IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6685 OF 2005

Vithal Bhimrao Patil ...Petitioner
V/s.
The State of Maharashtra & Ors. ...Respondents

Shri Rahul S. Kate for the Petitioner.
Shri M.H. Solkar, AGP for Respondents..

CORAM : V.M. KANADE, J.

DATED : MARCH 6, 2007

P.C. :-

1. Rule. Rule made returnable forthwith. By consent of the parties, matter is taken up for final hearing.

2. Heard the learned Counsel for the petitioner and the learned AGP for the respondents.

3. The petitioner takes exception to the order passed by a Special Land Acquisition Officer No.5, Solapur, who has by the said order dated 27th December, 2004 rejected the application filed by the petitioner under Section 28A of the Land Acquisition Act. The learned Counsel for the petitioner submits that the said application under Section 28A was filed within

limitation and the only ground on which this application is rejected is that certain documents were not furnished by the petitioner. He further submits that at the relevant time, the said documents were not available and therefore, he could not furnished these documents before the Special Land Acquisition Officer. He submits that so far as the bank guarantee is concerned, it is mentioned in clause 4 of the said order. The said bank guarantee is to be furnished after the reference is made and order is passed in favour of the applicant.

4. In my view, the impugned order, therefore, is liable to be set aside. The Special Land Acquisition Officer No.5, Solapur, is directed to consider the application under Section 28A of the Land Acquisition Act. The petitioner undertakes to furnish the copy of the documents which are mentioned in the said order within a period of six weeks. The Special Land Acquisition Officer to decide the said application, as expeditiously as possible.

5. Rule is made absolute in the above terms.

(V.M. Kanade, J.)